

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

NO.: 20-CR-251 (DWF/ECW)

Plaintiff,

v.

**DEFENDANT JINDRA'S MOTION IN
LIMINE TO EXCLUDE EVIDENCE
OF MPD POLICY VIOLATIONS**

TY RAYMOND JINDRA,

Defendant.

Defendant, Ty Raymond Jindra, by and through his attorneys, pursuant to Rules 402 and 403, Federal Rules of Evidence, moves this Court for an Order prohibiting the Government from introducing evidence of alleged violations of Minneapolis Police Department's (MPD) policies.

During the relevant times of the indictment Mr. Jindra was employed as a police officer by MPD. As an employee, Mr. Jindra was subject to the policies of MPD. Mr. Jindra is not indicted for, or on trial for, violating MPD policies. Nevertheless, it appears from the Rule 16 discovery and Jencks Act materials that the Government intends to introduce evidence Mr. Jindra violated MPD policies. While evidence of the violation of civil or regulatory statutes or rules may be admissible to show a defendant's motive or intent, it must be limited to guard against a jury conflating a violation of a civil or regulatory statute or rule with violation of a criminal statute. See United States v. Parker, 364 F.3d 934, 942-43 (8th Cir. 2004).

Given the danger of unfair prejudice that will result if the jury is allowed to hear evidence that Mr. Jindra may have violated MPD policies, Mr. Jindra moves this Court to prohibit the Government from introducing evidence of MPD policy violations without providing notice and making a proffer why the evidence is admissible. If this Court allows admission of evidence of violations of MPD policies, Mr. Jindra requests the following limiting instruction be read to the jury upon receipt of the evidence and in the final jury instructions.

You have heard evidence regarding Minneapolis Police Department policies. Allegations Mr. Jindra violated Minneapolis Police Department Policies cannot be considered by you as a violation of the charged conduct in the Indictment. Mr. Jindra is not on trial for any act or any conduct not specifically charged in the Indictment.

WHEREFORE, Mr. Jindra respectfully requests the Court to prohibit the Government from introducing evidence of alleged MPD policy or rule violations without first providing notice and establishing admissibility.

Respectfully submitted,

WOLD MORRISON LAW

Dated: September 29, 2021.

s / Peter B. Wold
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